



MISSOURI FARM BUREAU FEDERATION

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December 15, 2004

Ms. Marlene Kirchner
Commission Secretary
Missouri Clean Water Commission
Water Protection Program
P.O. Box 176
Jefferson City, MO 65102

RE: Comments on Regulatory Impact Reports for Proposed Rule Amendments 10 CSR 20-7.015 and 10 CSR 20-7.031

Dear Commissioners:

The following comments are submitted on behalf of Missouri Farm Bureau, the state's largest general farm organization, regarding the regulatory impact reports (RIRs) for the proposed amendment to 10 CSR 20-7.015, Effluent Regulations, and the proposed amendment to 10 CSR 20-7.031, Water Quality Standards.

According to these RIRs, the department estimates that up to 911 facilities could be affected by the proposed amendments at a cost of \$230,386,350 initially and \$42,006,500 annually to state agencies or political subdivisions, and \$20,392,000 initially and \$12,343,000 annually to private entities. However, these cost estimates account only for the 911 wastewater treatment plants that could be affected. Hundreds of private and public entities located in proximity to approximately 22,000 miles of classified streams and 300,000 acres of classified lakes also could be affected. Therefore, the potential costs associated with the proposed amendments have been grossly underestimated.

Under section 6 in both RIRs, *Comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction, which includes both economic and environmental costs and benefits*, the department provides only very general statements about the importance of water quality. This section is entirely inadequate given the magnitude of the potential costs to public and private entities.

In the RIR for the proposed amendment to the effluent regulations, the department characterizes the rule revisions as "administrative." However, the proposed revisions (1) requiring dechlorination of chlorinated discharges within two miles upstream of a losing stream rather than one mile, thereby doubling the existing zone for required dechlorination, and (2) adding Outstanding National Resource Waters and "drainages" associated with Outstanding State and National Resource Waters and deleting the reference to effluent limitations for discharges to "waters included in this section," thereby expanding both the number and size of restricted areas, are not administrative revisions. (The proposed amendment to the water quality standards also includes revisions pertaining to Outstanding State and National Resource Waters referencing the expanded watershed restrictions proposed in the effluent regulations amendment.) Therefore, the

department should provide information on peer-reviewed or other scientific data to support these proposed revisions and address these proposed revisions in sections of the RIR that call for evaluations of alternative methods (section 8), short-term and long-term consequences (section 9), risks addressed (section 10), and identification of sources of scientific information used to evaluate risk (section 11).

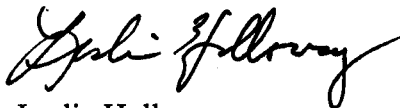
Under section 5 in the RIR for the proposed amendment to the water quality standards, *Probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenue*, the department includes cost estimates for conducting Use Attainability Analyses (UAAs). It should be noted that some private entities have received federal grants to conduct UAAs on a number of classified waterbodies. It is unclear whether the cost estimates reported in the RIR include the cost of conducting these UAAs.

It should also be noted that in this section the department alludes to the potential listing of additional waters on the 303(d) list due to whole body contact recreational (WBCR) designation. The department states, "These costs cannot be measured at this time since the number of waters potentially falling into this category is unknown." The department should clarify that this statement applies to not only costs to the state but private entities as well.

Under section 8 in both RIRs, *Description of any alternative method for achieving the purpose of the proposed rule that were seriously considered by the department and the reasons why they were rejected in favor of the proposed rule*, the department explains that no other state agency has the authority to administer a water quality program. In 2003, MDNR and Missouri Department of Agriculture officials prepared a preliminary memorandum of understanding authorizing state agricultural officials to serve in an advisory capacity in assessing the suitability of classified waterbodies in agricultural areas for whole body contact recreational (WBCR) designation. This approach merits mention as an alternative method.

Thank you for the opportunity to comment.

Sincerely,



Leslie Holloway

Director, State and Local Governmental Affairs

cc: Members of the Clean Water Commission
Senator David Klindt